

Remarks

Claims 2, 17, 18, and 24 are canceled without prejudice or disclaimer. Subject matter from claim 2 is incorporated into claim 1. Claim 22 is amended to depend from claim 1. These amendments should be entered, since such amendments do not raise new issues that require further consideration and/or search.

Claims 7, 10-13 and 18 were withdrawn in the response to restriction requirement of June 29, 2007. Reconsideration and allowance are requested for at least the following reasons.

Claim rejections under 35 U.S.C. §103

Claims 1-6, 8, 9, 14-17 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connell (US 5,678,637) in view of Babich (US 4,205,786). Applicants respectfully traverse this rejection.

The Cited References Fail to Disclose All of the Limitations of the Claims

Claim 1

Claim 1 requires that at least a portion of the or each outlet is inclined with respect to any plane which is parallel to and passes through the central axis of the cavity and which intersects the portion of the or each outlet.

One non-limiting example of such a configuration is shown in Figures 5-12 of the application. In the example shown, each outlet 109B is inclined with respect to a plane 151 which is parallel to and extends through the central axis 135 of the cavity 3 and which intersects the outlet. Application, p. 19, ll. 19-26. The overall effect of the nozzle configured in this manner is to cause the fluid within the chamber 139, such as air, to rotate so that all the fluid within the chamber 139, including the extinguishant, swirls about the nozzle. This is advantageous in the event that the fire source is shielded from the nozzle by an obstruction in the manner illustrated in Figure 3. The continuous movement of the fluid in the first embodiment results in the extinguishant reaching the fire source more quickly. Application, p. 7, ll. 17-25.

The Action fails to even address this limitation. In fact, neither O'Connell nor Babich discloses or suggests such a configuration.

Claim 1 is allowable for at least this reason. Reconsideration and allowance of claim 1, as well as the claims that depend therefrom, are therefore requested.

Claim 16

Claim 16 recites that at least a portion of the outlet being straight and inclined with respect to any plane which is parallel to and passes through the central axis of the cavity and which intersects the portion of the or each outlet. Again, the Action fails to identify any prior art configured in this manner. Neither O'Connell nor Babich discloses or suggests such a configuration. Reconsideration and allowance are requested.

The Purported Combination Cannot be Made

As noted in the remarks provided in previous responses, the cited art cannot be combined as suggested in the Office Action because the combination would render the devices disclosed in the references unsatisfactory for their intended purposes. MPEP 2145 *et seq.* The combination of O'Connell and Babich would not work for at least the reasons previously provided.

The Office Action Fails to Address the Dependent Claims

An Action should be complete as to all matters. MPEP 707.07. As noted in the previous response, the Office Action fails to address many of the limitations in the dependent claims. For example, claim 3, 4, 6, 8, 9, 14, 15, 22, and 23 (see below), which all depend from claim 1, further distinguish over the art of record:

3. A system according to claim 1, wherein a plane which lies parallel to the central axis of the cavity and extends along the central axis of at least a portion of the or each outlet is inclined with respect to the interior wall of the cavity at the region where the outlet meets the interior wall.
4. A system according to claim 1, wherein the or each outlet extends tangentially from the interior wall of the cavity.

6. A system according to claim 1, wherein the or each outlet includes a portion which extends radially with respect to the central axis of the cavity.
8. A system according to claim 1, wherein the or each outlet is inclined with respect to a plane perpendicular to the central axis of the cavity.
9. A system according to claim 1, wherein the nozzle comprises a hollow tube having one or more of said outlets formed therein.
14. A system according to claim 9, wherein a plurality of said outlets are formed in said tube.
15. A system according to claim 14, wherein said outlets are equi-spaced.
22. A system according to claim 2, wherein a plurality of said outlets are provided.
23. A system according to claim 22, wherein the inclination of all said outlets with respect to said any plane is in a clockwise direction about the central axis of the cavity or the inclination of all said outlets with respect to said any plane is in an anti-clockwise direction about the central axis of the cavity.

Consideration of these claims is earnestly requested. It is respectfully requested that the Examiner explicitly address the limitations of each of these claims in the next Action. Allowance of these dependent claims is requested.

Conclusion

Reconsideration and allowance is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,
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